

EXHIBIT 2

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF)
RESOURCE COUNCILS, *et al.*,)

Plaintiffs,)

v.)

U.S. BUREAU OF LAND)
MANAGEMENT,)

Defendant, and)

STATE OF WYOMING,)

Intervenor Defendant.)

Case No. 4:20-cv-00076-BMM-JTJ

**DECLARATION OF
ANDREW ARCHULETA**

I, Andrew Archuleta, in accordance with the requirements of 28 U.S.C.

§ 1746, declare:

1. I am over 18 years of age, competent to testify in this case, and have personal knowledge of the matters discussed in this declaration.

2. I am the Wyoming State Director for the Bureau of Land Management (BLM). I have been employed with BLM in this capacity since February 28, 2022, and was previously BLM Colorado's Northwest District Manager, the acting Division Chief for Fluid Minerals program and most recently the District Manager

for BLM's California Desert District. My federal service began more than 28 years ago and includes almost 15 years with the BLM and previous work with the U.S. Fish and Wildlife Service and the U.S. Forest Service.

3. In my capacity as the Wyoming State Director, I will oversee BLM's preparation of Resource Management Plans (RMPs) in Wyoming and in particular, will oversee any changes to the Buffalo Wyoming RMP amendments. On August 27, 2020, plaintiffs challenged the BLM's approvals of the Miles City Montana and Buffalo Wyoming RMP amendments.

4. As briefing has proceeded in this case, the BLM has determined that it is appropriate to re-examine the challenged decision and environmental analysis for the Buffalo RMP and prepare a new supplemental NEPA analysis for the RMP. My predecessor the Acting State Director Kimber Liebhauser provided a previous declaration in this case on February 25, 2022, and now I provide additional information to support BLM's request for a voluntary remand without vacatur.

5. In late 2021, BLM initiated a review of the federal coal leasing program and through public scoping received 77,000 comments on the leasing program. BLM summarized these comments in January 2022. The comment summary is available at https://eplanning.blm.gov/public_projects/2016861/200502862/20051861/250058044/CoalProgramReview_CmtSummaryRpt_Final_508.pdf

and the BLM now is considering the comments in the ongoing evaluation of the current federal coal leasing program.

6. As briefing proceeded in this case, BLM leadership determined the comments on the federal coal program raised a substantial and legitimate concern with the various coal allocation alternatives considered in both the Buffalo and Miles City RMPs and whether a no future coal leasing alternative should be considered and analyzed. BLM now considers it appropriate to take into account these public comments and information from the coal leasing program review and to allow review of an expanded range of alternatives for the allocation decisions for future leasing under the Buffalo resource management plan.

7. Specifically, BLM has determined that it would be appropriate to consider different alternative allocations of lands open for future coal leasing. BLM is also considering how the coal screening criteria of 43 C.F.R. 3420.1-4 could be adjusted through future rulemaking or guidance to take into account climate change issues more explicitly as a multiple use factor in the screening process. A revised coal screening process could then be applied to allow review of a range of alternatives to inform future allocation decisions for the Buffalo plan.

8. BLM believes that if the plan decision is remanded without vacatur, BLM could revisit the plan's land use allocation for future coal leasing through a new supplemental NEPA analysis that (1) considers the public comments received

on the federal coal program evaluation, and (2) includes a coal screening process that more explicitly accounts for climate change issues as multiple use factors.

9. BLM would initiate a plan amendment process with additional NEPA review and public input once the Court has remanded the Buffalo RMP decisions on allocations for future coal leasing back to BLM.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 4th day of March, 2022.

ANDREW
ARCHULETA

Digitally signed by
ANDREW ARCHULETA
Date: 2022.03.04
12:07:15 -0700

Andrew Archuleta
Wyoming State Director
Bureau of Land Management